

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE: : **CHAPTER 13 PROCEEDING**
LEROY N. BUTLER : **CASE NO. : 17-60436**
: **JUDGE RUSS KENDIG**
DEBTOR(S) :

**CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION
OF DEBTOR'(S) THIRD AMENDED PLAN DATED DECEMBER 29, 2017**

Now comes the Standing Chapter 13 Trustee, Toby L. Rosen, for the above captioned case and objects to Confirmation of the Debtor'(s) proposed Plan on the grounds that said plan is in violation of 11 U.S.C. Section(s):

Chapter 7 value

1325 (a) (3) the plan has been proposed in good faith and not by any means forbidden by law.

1325 (a) (4) the value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under chapter 7 of this title on such date.

REAL ESTATE AND FRAUDULENT CONVEYANCE TO DAUGHTER

Good Faith

1325 (a) (3) the plan has been proposed in good faith and not by any means forbidden by law.

DEBTOR IS PROPOSING FOR THE UNSECURED CREDITORS TO PAY FOR 2014 CHEVY MALIBU WHICH IS BEING DRIVEN BY A NON-DEPENDENT THIRD PARTY

Unfeasible

1325 (a) (6) the debtor will be able to make all payments under the plan and to comply with the plan

1325 (a) (1) the plan complies with the provisions of this chapter and with the other applicable provisions of this title.

WILL NOT COMPLETE IN 60 MONTHS

Disposable Income

1325 (a) (1) the plan complies with the provisions of this chapter and with the other applicable provisions of this title.

1325 (a) (3) the plan has been proposed in good faith and not by any means forbidden by law.

And therefore fails to comply with 11 U.S.C. Section

1322 (a) (1) provide for the submission of all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan.

A proposed plan must comply with 11 U.S.C. Section

1325 (b) (1) (B) the plan provides that all the debtor's projected disposable income to be received in the applicable commitment period beginning on the date that the first payment is due under the plan will be applied to make payments to unsecured creditors under the plan.

MR. BUTLER'S PROFIT FOR 198 HELEN IS \$142.00 RATHER THAN THE \$93.00 ON THE FILED SCHEDULE I

Discrimination

1325 (a) (1) the plan complies with the provisions of this chapter and with the other applicable provisions of this title.

By failing to comply with 11 U.S.C. Section

1322 (b) (1) designate a class or classes of unsecured claims, as provided in section 1122 of this title, but may not discriminate unfairly against any class so designated, however, such plan may treat claims for a consumer debt of the debtor if an individual is liable on such consumer debt with the debtor differently than other unsecured claims.

THE RICHLAND COUNTY TREASURER MUST BE PAID IN FULL FROM THE SALE OF THE PROPERTY AND NOT AS AN UNSECURED CREDITOR

FURTHER, NO 420A WAS FILED FOR THIS PLAN, AND THE SPECIAL PROVISIONS INDICATE A CONTINUING PAGE THAT IS NOT ATTACHED

WHEREFORE, the Standing Chapter 13 Trustee prays that the confirmation of the debtor(s) plan be **denied**.

/S/ Toby L. Rosen

Toby L. Rosen, Chapter 13 Trustee

CERTIFICATE OF SERVICE

I certify that on January 4, 2018, a true and correct copy of the OBJECTION was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

REBECCA K HOCKENBERRY, on behalf of LEROY N. BUTLER, at
rebecca@alhatterneys.com

And by regular U.S. Mail, postage prepaid, on:

NONE

/s/ Toby L. Rosen
Toby L. Rosen, Chapter 13 Trustee
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